Revenue (19 **Department.**

M SERIES.

G.O. No. 126

DATED 20/1/31

M

[Despatch Abstract.]

Transfer -

Land - Military - (Bellary) - Bellary - Fort Ditch - Land occupied by the Jail Dept. - Local Govt. - Jail Department.

G.O.	No.	Department.	Date.	G.O.	No	Department.	Date.
MS	389	W	1-5-22	MS	3797	Law (Pol)	6.12.26
W	245	Pol	15.2.24	MS	428	"	2.2.27
MS	746	W	9.7.20				
MS	1032	Pol	14.7.24				
MS	1031	Pol	16.7.24				
MS	[illegible]	[illegible]	27.3.25				
MS	2185	Law (Pol)	[illegible]				
MS	202	Law (W)	9.3.25				

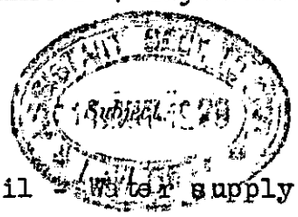
C.F. 30.

1/ DEPARTMENT.

Q. 6716 C

Received ..... 192 . *Registered* 11 x 29 192

14



Alipuram Jail - Water supply - Fort ditch - Right of pumping.

ENCLOSURES.
No .....
.....
Spare copies .....

No. C.G. 1519.

Station Camp Berhampur *Dated the* 8th October 1929

From (Name) Lt-Col. J.P.Cameron, C.I.E., F.R.C.P.E., I.M.S.,

(Designation) Inspector-General of Prisons.

To The Secretary to the Government of Madras,

Law and Education Department.

Fort St.George, Madras.

Sir,

F. 5 - 13 w/w

I have the honour to forward, herewith, for the orders of Government, a copy of letter No. G/3200, dated the 1st October 1929, from the Superintendent, Alipuram Jail, Bellary Cantonment, together with copies of its enclosures relating to the objection put forward by the Cantonment authorities.

2. Copies of the marginally noted correspondence are also enclosed for information - and it is requested that Government may be pleased to advise the General Officer Commanding, Southern Army Command to permit the present arrangement

to continue..

I have the honour to be,

Sir,

Your most obedient servant,

Lieut-Col, I.M.S.,
Inspector-General of Prisons.

Letter No. 12 M.E.A. dated 28-8-29 from the Military Estates Officer Bellary to the Superintendent, Alipuram Jail, Bellary, ↳ 14 infra

Letter No. G/2928, dated 29-8-29 from the Superintendent, Alipuram Jail, to the Military Estates Officer, Belgaum, ↳ 14-15 infra

Letter No. C/1711 dated 23-9-29, from the President, Cantonment Board, Bellary, to the Superintedent, Alipuram Jail. ↳ 15 infra

Letter dated 24-9-29, from the Superintendent, Alipuram Jail, to the President, Cantonment Board, Bellary.

Letter No.G.3200,dated the 1st October 1929 from the Superintendent, Alipuram Jail, Bellary.

I have the honour to forward for your information the attached notice and letter from the Cantonment Authority for your information. The explanation in the letter is wrong. The military have conserved this water and have distributed it without reference to the Cantonment Authority When we bought the plant we most assuredly assumed that right. Water sources under the control of Military Engineers is expressly omitted from control by the Cantonment under Section 218 of the Act. I am forwarding copies of Chapter 8 of the Act under which the notice is served and Chapter 13 which they have ignored but which expressly gives the Military Engineers the rig to water, which right I claim they have handed over to us.

This right was never questioned while the military were in the station and it is only now that, they have gone away that the Cantonment Board (which consists of only 3 interested individuals) question our right to water.

They do not contemplate any distribution scheme for the benefit of the Cantonment and are merely pursuing a "dog in the manger" obstructive policy.

If they are successful in this, they will attack our right to water in the Alipuram Tank.

We have had 6 inches of rain the past 15 days and I have plenty of water in Alipuram, but we must retain the right of pumping from the Fort Ditch as this usually holds water after Alipuram is dry. I shall be grateful if you will take the matter up with the Madras Government and the Military Authorities at once so that our claim to this water may be fully recognized while the Military still retain control over the Cantonment

I propose, with your permission, to deliberately disobey the Cantonment Order and I am sure that they have only a very flimsy claim and the worst that they can do is to obtain an injunction preventing me from pumping until the matter is settled.

I have made no proposals or arrangements with the Cantonment as suggested in their letter as such arrangement would to my mind, -- acknowledge their right to dictate terms to us.

Copy of letter No.C.1750, dated the 28th September 1929 from the President, Cantonment Board, Bellary, to the Superintendent, Alipuram Jail, Bellary.

I would point out that the Fort Ditch Reservoir is a public water supply and it is not open to question.

The Military Authorities worked this water supply on behalf of the Cantonment Authorities and were governed by the provisions of the Cantonments Act regarding water supply.

Since the Military Authorities have evacuated this Cantonment the duties of maintaining this water sppply devolves on the Cantonment Authority.

With regard to your assertion that the Military Authorities permitted you to pump water from this source, was of course during their occupation. Now that they have evacuated Bellary, permission must be obtained from the Cantonment Authorities who I feel sure would come to some understanding with you regarding the quantity to be utilized by your Department.

I would mention a scheme is being worked out to ensure a better water supply to Cantonment in connexion with this Fort Reservoir and it is not in the interests of the inhabitants of Cantonment to have it drawn off without proper control. The only controlling authority in Cantonment is the Cantonment Authority.

Copy of notice No.C.1749, dated the 28th September 1929 from the President, Cantonment Board, Bellary, to the Superintendent, Alipuram Jail, Bellary.

***

Under the authority of the Cantonments Act Chapter VIII para 117 it is considered that for the convenience of the inhabitants of the Cantonment it is necessary to conserve the water in the Fort Ditch Reservoir.

You are hereby notified to stop pumping water from the above reservoir within 48 yours of receipt of this notice.

3/1

Chapter VIII of the Cantonments Act of 1924.

Duties and discretionary functions of Cantonment Authorities.

.....

116. It shall be the duty of every Cantonment Authority, so far as the funds at its disposal permit, to make reasonable provision within the Cantonment for:--

(a) lighting streets and other public places;

(b) watering streets and other public places;

(c) cleansing streets, public places and drains, abating nuisances and removing noxious vegetation;

(d) regulating offensive, dangerous or obnoxious trades, callings and practices;

(e) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places;

(f) securing or removing dangerous buildings or places

(g) acquiring, maintaining, changing and regulating places for the disposal of the dead;

(h) constructing, altering and maintaining streets, culverts, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewrage works;

(i) planting and maintaining trees on road-sides and other public places

(j) providing or arranging for a sufficient supply of pure and wholesome water, where such supply does not exist, guarding from pollution water used for human consumption, and preventing polluted water from being so used;

(k) registering births and deaths;

(l) establishing and maintaining a system of public vaccination;

(m) establishing and maintaining or supporting, public hospitals and dispensaries, and providing public medical relief;

(n) establishing and maintaining primary schools;

(o) rendering assistance in extinguishing fires, and protecting life and property when fires occurs;

(p) maintaining and developing the value of property vested in, or entrusted to the management of the Cantonment Authority

and

and

(q) fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force.

116 A. A Cantonment Authority may, subject to any conditions imposed by the Governor General in Council manage any property entrusted to its management by the Governor General in Council on such terms as to the charging of rents and profits accruing from such property as may be determined by rule made under section 280.

117. A Cantonment Authority may, within the cantonment, make provision for:--

(a) laying out in areas, whether previously built upon or not, new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings, to abut on such streets;

(b) constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility;

(c) reclaiming unhealthy localities;

(d) furthering educational objects by measures other than the establishment and maintenance of primary schools;

(e) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;

(f) making a survey;

(g) giving relief on the occurence of local epidemics by the establishment or maintenance of relief works or otherwise;

(h) securing or assisting to secure suitable places for the carrying on of any offensive, dangerous or obnoxious trade, calling or occupation;

(i) establishing and maintaining a farm or other place for the disposal of sewage;

(j) constructing, subsidising or guaranteeing tramways or other means of locomotion, and electric lighting or electric power works;

(k) adopting any measure, other than a measure specified in

in section 116 or in the foregoing provisions of this section, likely to promote the safety, health or convenience of the inhabitants of the cantonment; or

(l) the doing of any thing on which expenditure is declared by the Local Government, or by the Cantonment Authority, with the sanction of the Local Government, to be an appropriate charge on the cantonment fund.

A Cantonment Authority may make power of expenditure for educational purposes outside the cantonment. Provision for educational objects outside the Cantonment if it is satisfied that the interests of the residents of the Cantonment will be served thereby.

Chapter XIII.

Water supply, drainage & lighting.

Water supply.

(1) In every cantonment where a sufficient supply of pure water for domestic use does not already exist, the Cantonment Authority shall provide or arrange for the Provision of such a supp]

(2) The Cantonment Authority, shall, as far as possible, make adequate provision that such supply shall be continuous throughout the year, and that the water shall be at all times pure and fit for human consumption.

218. (1) The Cantonment Authority may, with the previous sanction of the Local Government, by public notice, declare any lake, stream, spring, well, tank, reservoir or other source whether within or without the limits of the cantonment (other than a source of water-supply under the control of the Military Engineer Services or the Public Works Department) from which water is or may be made available for the use of the public in the cantonment to be a source of public water-supply.

(2) Every such source shall be under the control of the Canton-ment Authority.

219 The Cantonment Authority may, by notice in writing, require the owner or any person having the control of any source of public water supply which is used for drinking purposes:--

(a) to keep the same in good order and to clear it from time to time of silt, refuse, and decaying vegetation, or

(b) to protect the same from contamination in such manner as the Cantonment Authority may direct, or

(c) if the water therein is proved to the satisfaction of the Cantonment Authority to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to or using such water;

provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the Cantonment Authority for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the Cantonment Authority shall undertake the control and supervision of the well.

220 1. The Cantonment Authority may permit the owner, lessee or occupier of any building or land to connect the building or land with a source of public water supply by means of communication pipes of such size and description as it may prescribe for the purpose of obtaining water for domestic use.

2. The occupier of every building so connected with the water supply shall be entitled to have for domestic use, in return for the water tax if any, such quantity of water as the Cantonment Authority may determine.

(3) All the water supplied in excess of the quantity to which such supply is limited under sub-section (2) and, in a cantonment in which a water tax is not imposed, all water supplied under this section, shall be paid for at such rate as the Cantonment Authority may fix.

(4) The supply of water for domestic use shall not be deemed to include any supply

a. for animals or for washing vechicles where such animals or vechiles are kept for sale or hire.

b for any trade, manufacture or business;

c. for fountains, swimming baths or any ornamental or mechanical purposes

mechanical purpose;

d. for gardens or for purposesof irrigation;

e. for making or watering roads or paths; or

f. building purposes.

221. If it appears to the Cantonment Authority that any building or land in the cantonment is without a proper supply of pure water, the Cantonment Authority may, by notice in writing, require the owner, lessee, or occupier of the building or land to obtain from a source of public water supply such quantity of water as is adequate to the requirements of the persons usually occupying or employed upon the building or land, and to provide communi-cation pipes of the prescribed size and description, and to take all --- necessary steps for the above purposes.

222 (1) The Cantonment Authority may, by agreement, supply, from any source of public water supply, the owner, lessee or occupier of any -- building or land in the cantonment with any water for any purpose, other than a domestic purpose, on such terms and conditions, consistent with this Act and the rules and bye-laws made thereunder, as may be agreed upon -- between the Cantonment Authority and such owner, lessee or occupier.

(2) The Cantonment Authority may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining sufficient supply of water for domestic use by inhabitants of the cantonment.

223. Notwithstanding any obligation imposed on Cantonment Authorities under this Act, a Cantonment Authority shall not be liable to any forfeiture penalty or damages for failure to supply water or for curtailing the -- quantity thereof if the failure or curtailment, as the case may be, arises from accident or from drought or other unavoidable cause unless, in the case of an agreement for the supply of water under section 222, the Can-tonment Authority has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

224. Notwithstanding anything hereinbefore contained or contained in any agreement under section 222, the supply of water by a Cantonment Authority to any building or land shall be, and shall be deemed to have been, granted subject to the following conditions, namely:-

(a) the owner, lessee or occupier of any building or land in or on which water supplied by the Cantonment Authority, is wasted by reason of the pipes drains or other works being out of repair shall, if he has knowledge thereof give notice of the same to such officer as the Cantonment Authority may appoint in this behalf;

(b) the Executive Officer or any other officer or servant of the Canton--ment Authority authorised by it in writing in this behalf may enter into or any premises supplied with water by the Cantonment Authority, for the purpose of examining all pipes, taps, works and fitting connected with the supply of water and of ascertaining whether there is any waste or misuse of such water.

(c) the Cantonment Authority may, after giving notice in writing, cutt off the connection between any source of public water-supply and any -- building or land to which water is supplied for any purpose therefrom, or turn off such supply if:--

i. the owner or occupier of the building or land neglects to pay the water tax or other charges connected with the water-supply within one month from the date on which such tax or charge falls due for payment;

ii. the occupier refuses to admit the Executive Officer or other --- authorised officer or servant of the Cantonment Authority into the building or land for the purpose of making any examination or inquiry authorised by clause (b) or prevents the making of such examination or inquiry.

iii. the occupier wilfully or negligently misuses or causes waste of water

iv the occupier wilfully or negligently injures or damages his meter or any pipe or tap conveying water from the water-works;

v. any pipes, taps, works or fittings connected with the supply of water to the building or land are found, on examination by the Executive Officer, to be out of repair to such an extent as to cause a waste of water.

d. the expense of cutting off the connection or off turning off the water in any case referred to in clause (c) shall be paid by the owner or occupier of the building or land.

e. no action taken under or in pursuance of clause (c) shall relieve any person from any penalty or liability which he may have otherwise incurred.

225 A Cantonment Authority may allow any person not residing within the limits of the Cantonment to take or be supplied with water for any purpose from any source of public water supply on such terms as it may prescribe, and may at any time withdraw or curtail such supply.

226. Whoever:-

uses for other than domestic purposes any water supplied by a Can-tonment Authority for domestic use, or

b. where water is supplied by agreement with a Cantonment Authority for a specified purpose, uses that water for any other purpose.

shall be punishable with fine which may extend to fifty rupees, and the Cantonment Authority shall be entitled to recover from him the price of the water misused.

Water, Drainage and other connections.

227. A Cantonment Authority may carry any cable, wire, pipe, drain, sewer or channel of any kind:--

(a) for the purpose of carrying out, establishing or maintaining any system of water-supply, lighting, drainage, or sewrage, through, across, under or over any road or street, or any place laid out or intended as a road or street, or, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated within the cantonment, or

(b) for the purpose of supplying water or of the introduction or distribution of outfall of water or for the removal or outfall of sewage, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated outside the cantonment;

and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain sewer or channel in an effective state for the purpose for which the same may be used or is intended to be used;

provided that no nuisance shall be caused in excess of what is reasonably necessary for the proper execution of the work:

provided further, thatcompensation shall be payable to the owner

owner or occupier for any damage sustained by him which is directl occasioned by the carrying out of any such operation.

228. In the event of any cable, wire, pipe, drain,sewer or channel being laid or carried abovethe surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel shall be so laid or carried as to interfere as little as possible with the rightsof the owner or occupier to the due enjoyment of such land or building, and the compensation shall be payable by the Cantonment Authority in respect of any substantial interference with the right to any such enjoyment.

229. No Person, shall, for any purpose whatsoever, without the permission of the Cantonment Authority, at any time make or cause to be made any -- connection or communication with any cable, wire, pipe, drain, sewer or channel constructed or maintained by, or vested in a Cantonment Authority.

230 A Cantonment Authority may prescribe the size of the ferrules to be used for the supply of gas, if any, andmay bestablish meters or other appliances for the purpose of testing the quantity of any water, or the -- quantity or quality of any gas supplied to any premises by the Cantonment Authority.

231. The ferrules, communication pipes, connections, meters, stand pipes and all fittings thereon or connected therewith leading from water mains or pipes, drains, sewers or channels into any house or land, to which water or gas is supplied by the Cantonment Authority, and the pipes fittings and works inside any such house or within the limits of any such land, shall in all cases be executed subject to the inspection and to the satisfaction of the Cantonment Authority.

232. The Cantonment Authority may fix the charges to be made for the establishment by them or through their agency of communications from, and connections with, mains, or pipes for the supply of water, or gas, or for meters or other appliances for testing the quantity or quality thereof supplied, and may levy such charges accordingly.

Application of this Chapter to Govt. Water supplies.

233 (a) Wherein any cantonment there is a water-supply under the contro of the Military Engineer Services or the Public Works Department, the -- Officer of the Military Engineer Services or of the Public Works Departme as the case may be, in charge of such water-supply (hereinafter in this section and in section 234 referred to as the officer) may publish in t Cantonment in such manner as he thinks fit a notice declaring that any l stream, spring, well, tank, reservoir, or other source, whether within or without the limits of the Cantonment (other than source of public water supply under the control of the Cantonment Authority) is a source of pub water supply and may, for the purpose of keeping any such source in good order or of protecting it from contamination or from use, require the Cantonment Authority to exercise any power conferred upon that Authori by section 219.

(2) In the case of any water supply as is referred to in sub-sectior the following provisions of this Chapter namely the provisions of sect 220, 222, 223, 224, 226, 227, 228, 229, 230, 231 and 232 shall, as far as may be applicable in respect of the supply of water to the cantonment, and the purpose of such application references to the Cantonment Authorit shall be construed as references to the officer, and references to the Executive Officer or other officer or servant of the Cantonment Autho shall be construed as references to such person as may be authorized behalf by the officer.

234. In any case in which the provisions of section 233 apply, water tax, if any, imposed in the cantonment and all other charges out of the supply of water which may be imposed under the provisio this Cahpter as applied by section 233 shall be recovered by the Cantonment Authority, and all monies so recovered, or such proport thereof as the Local Government may in each case determine, shall be pa the Cantonment Authority to the officer.

Letter No.12-M.E.A. dated the 28th August 1929 from the Military Estates Officer, Bellary, to the Superintendent, Alipuram Jail, Bellary.

Will you please let me know how the matter now stands.

2. It is noticed that you have erected a building (valve regulator shed) in the Fort Ditch by the road-side. Will you please furnigh me, immediately, with a copy of the order sanctioning the occupation of the land by the Jail Department; -- failing which I will, very reluctantly, have to ask you to remove the building. It is also requested to remove immediately the barbed wire fence put in by you and which is not allowed -- under existing orders.

Letter No.G.2928, dated the 29th August 1929 from the Superintendent, Alipuram Jail, Bellary, to the Military Estates Officer, Belgaum, Bellary.

---

1. The lease is forwarded herewith.

2. I am afraid that matters have been misrepresented to you.

3. The whole plant and tank at the Fort Ditch were purchased by the Madras Government in 1922 for Rs.25,000 - also the ground on which they stand. Owing to the silting up of the Fort Ditch the foot valve of my pump could not be made to work efficiently and it was necessary to construct a pump well in which to work the valve. This was constructed by the Department of Public Works in 1927 and no previous objection has been taken to this structure. It is not on the road-side but in the tank bed and is an absolute necessity for pumping from the Ditch.

The area on which it stands is marked as the property of the Local Government by the recent Special Lands Survey.

As the well was not constructed by me but by the Public Works Department the sanctioning of the erection should have been obtained by the Executive Engineer.

The Barbed wire fence referred to by you was erected by me under the orders of the Officer Commanding, Bellary, in 1922 by

(P.T.O.)

recommendation of the Senior Medical Officer in order to keep people from contaminating the water with Guinea worm, etc. Its removal would be a retrograde measure and I hereby formally protest against its removal.

The matter is not urgent as there is no water in the reservoir.

Copy of letter No.C.1711, dated the 23rd September 1929 from the President, Cantonment Board, Bellary to the Superintendent, Ali Nuram Jail, Bellary.

***

The Cantonment Authority desires to point out that the water contained in the Fort Ditch Reservoir is a source of Public water supply under paras 217 and 218, Chapter XIII of the Cantonments Act 1924. You are hereby requested to refrain from drawing on this source of supply without the previous sanction of the Cantonment Authority.

In this connexion I would inform you that as per Cantonment Map of 1918-19 certified by Lieut-Col.T.G.P.Lawrenson, D.I.O. M.L. & C. on 19th March 1927 ~~and~~ that the Fort Ditch Reservoir land which is vested in the Military Authority is classified as A-1 land, but the water contained therein is under control of the Cantonment Authority.

Copy of letter No.nil, dated the 24th September 1929 from the Superintendent, Ali Nuram Jail, Bellary to the President, Cantonment Board, Bellary.

...

The statement that the Fort Ditch Reservoir is a Public water source is open to question. I have permission to pump from there fr the Military Authorities whose claim to this water has never before been questioned

---

The attached correspondence is forwarded for your information. In 1922 we purchased the pumping plant etc., from the Military Authorities and this I take it also included the right to pump water from this source. ~~If~~ I have pumped ever since. If this order stands I am unable to supply water to the troops who will be in Cantonment from 22nd October 1929 onwards.

The statement that the Fort Ditch is a Public water source is wrong. It has always been a Military work.

*****

-True copies-

H.V.Ramaprasad

~~For~~ Inspector-General of Prisons.

87

16/11

Law (Genl) Dept.

Encl. No. 6716 C1 & 22 X.29

Goa's – Alipuram – water supply – Right of pumping Salt Ditch water. – Letter from the D. G. of Prisons No. C.G. 1519 dt 8.10.29.

—

Referred to the (Commd.) D. M., Bellary for remarks.

21/10

Dpd. by ~~Van~~ Post ~~Messenger~~ 1928

To the (Commd.) D. M. Bellary (with c.f. to be retd with reply).

C F. 32.

In reply, please quote number, date and short title.*

Revenue DEPARTMENT.

Received ..... *Registered* Q 8406 C 18/12/29

From (Name) E. Bennett Esquire I.C.S.,

(Designation) Collector of Bellary.

Post Box....., (Station).....

Telegraphic Address.....

To The Secretary to Government,

Law (General) Department,

MADRAS.

No. 6199/29/B *Dated* 14--12--1929 192

Sir,

Enclosures .....
1 file
.....
Spare Copies .....

Jails - Alipuram - Water supply - right of pumping Fort ditch water - Letter from the Inspector General of Prisons - No. C.G.1519 dated 8-10-29 - Report.

Ref:- Government Endorsement No. 6716 C-1 dated 22-10-1929.

I submit the following report regarding the dispute between the Cantonment Board and the Superintendent, Alipuram Jail, Bellary over the use of the water in the Fort Ditch, Bellary.

2. The Cantonment authorities claim that the Fort ditch at Bellary with its supply of water is vested in them. They allege that the Fort ditch was being managed by the military authorities on behalf of the Cantonment authorities, before the military authorities evacuated the Cantonment. Since the military authorities left the station the ownership of the Fort Ditch is claimed to have devolved on the Cantonment authority. The Cantonment authorities have accordingly issued a notice to the Superintendent of Alipuram Jail to stop pumping water from the Fort Ditch.

3. The Superintendent, Alipuram Jail, Bellary asserts that the Fort Ditch was never the property of

the Cantonment Board. It was all along being maintained by the military Engineering works department. The right to use the Fort ditch water and the necessary plant were purchased by the Jail authorities from the military in 1922 for Rs.25,000/- The Superintendent, Alipuram Jail, Bellary therefore claims that the notice issued by the Cantonment authorities is illegal.

4. In 1923 and 1924 there was a dispute about the right of Civil population of the Cowl Bazaar, Bellary to the use of the water in the Fort ditch. There were several reports submitted to Government in connection with this dispute. In all of these, the Collector has reported that the Fort Ditch was a M.E.S. work. The following reports of the Collector submitted to Government in the matter may be perused.

(1) This Office D. Dis. C.5862(a)/23 dated 7-1-1924 disposed of in G.O. No. 245 P.H. dated 15-2-1924.

(2) This Office Ref.C. 3273/24 dated 18-6-1924 disposed of in G.O. No.1032 P.H. Mis. dated 14-7-1924.

(3) This Office Ref.C. 5362/24/B-4 dated 16-9-1924 in reply to Government memorandum No. 25271-1 P.H. dated 11-9-1924 containing an answer to Legislative Council Question No.685.

5. G.O. No.589-W Public Works Department dated 1--5--1922 approving the proposal of the Inspector General of Prisons, Madras to purchase from the military authorities at a cost of Rs.25,000/- the water supply plant required for the Allipuram Jail, Bellary does not contain the exact terms of the sale. From letter No. 4113/7 dated 9-12-1929 of the Garrison Engineer, Bangalore (copy enclosed) it is seen that the military authorities have not handed over the Fort Ditch to the Allipuram Jail authorities with the sale of plant. A copy of the letter of the Assistant Commanding Royal Engineer, Bangalore No.7509 dated 13-12-1923 referred to in

the above letter is also enclosed.

6. In the circumstances stated above, it must be presumed that the Fort Ditch itself still vests in the Military Engineering works Department till it is disposed of by them.

7. The enclosures received with Government endorsement noted above are herewith returned.

17.12.29

For Collector.

KNR/16-12.

Copy of letter No. 4113/7/E-4 dated 9th December 1929 from the Garrison Engineer, M.E.S., Bangalore to the Collector of Bellary.

Alipuram Jail - Water supply - Fort Ditch - Right of pumping.

Reference:- Your No. C. 6199/29/B-4 dated 27-11-1929 to the Military Estates Officer, Bellary forwarded to me under his number 812/12 M.E.B. dated 29-11-1929.

I have the honour to inform you that I cannot trace any terms of the sale of the plant in my records.

I may, however, point out that the Military Works Department have not handed over the Fort Ditch to the Alipuram Jail with the sale of plant, vide Assistant Commanding Royal Engineer, Bangalore number 7509 dated 13-12-1923 to your address.

Copy of letter No. 7509 dated 13th December 1923 from the Assistant Commanding Royal Engineer, Bangalore, to the Collector of Bellary.

With reference to your No.5364/23/B-4 dated 6th December 1926 I beg to inform you that the Military Works Department have not handed over the Fort Ditch to the Alipuram Jail.

The Jewell Filters, Pumping Plant etc., near the Fort Ditch have been sold to the Jail but not the Fort Ditch itself.

(True Copy)

KNR/16-12.

For Collector.

C.R. 16/12

21 CQ 1425
18/2/30

No. 939 / T / 4B

Office of the Military Estates Officer,
Madras Circle,

Wellington. 13th. February 1930.

From

Captain H.B. Graveston, I.A.,
Military Estates Officer,
Madras Circle, Wellington.

To

The Secretary to the Government of Madras,
Revenue Department,
Madras.

Sir,

I have the honour to forward the marginally noted correspondence and to request that you will be so good as to favour me with an early reply thereto.

1. Para 2 of letter No. /12/M.E.A dated 28th August 1929 from the Military Estates Officer, Belgaum, to the Superintendent Alipuram Jail, Bellary.

2. Para 2 of letter No. G. 2928 dated 29th. August 1929 from the Superintendent Alipuram Jail to Military Estates Officer, Belgaum.

3. Letter Ref.C.No. 6199/29 dated 9th November 1929 from the Collector of Bellary to the Military Estates Officer, Bellary.

4. Letter No. 4113/7/E-4 dated 9th. December 1929 from the Garrison Engineer, ~~Belgaum~~ ~~Bangalore~~, to the Collector, Bellary.

I have the honour to be,

Sir,

Your most obedient servant,

Captain,
Military Estates Officer,
Madras Circle.

To the Law (Genl) Dept no
18.2.30

ORD
17.2.30
Note - the correspondence mentioned by the M.E.O. is under consideration in the Law (Genl) Dept.
ORD
17.2.30
Rev. no 648 A/30
18-2-30

Copy of para 2 of letter No. /12/M.E.A., dated 28th August 1929 from the Military Estates Officer, Belgaum, to the Superintendent, Alipuram Jail, Bellary.

x x x x x x x x x x

2. It is noticed that you have erected a building (valve regulator Shed) in the Fort Ditch by the Roadside. Will you please furnish me immediately with a copy of the order sanctioning the occupation of the land by the Jail Department, failing which I will, very reluctantly, have to ask you to remove the building. It is also requested to remove immediately the barbed wire fence put in by you and which is not allowed under existing orders.

Sd/- H. Dawson Major,
~~Sd/- Illegible~~,
Military Estates Officer, Belgaum.

II

Copy of para 2 of letter No. G. 2928 dated 29th August 1929 from the Superintendent Alipuram Jail to the Military Estates Officer, Belgaum.

x x x x x x x x x x

I am afraid that matters have been misrepresented to you. The whole plant and tank at the Fort Ditch were purchased by the Madras Government in 1922 for Rs 25,000--also the ground on which they stand. Owing to the silting up of the Fort Ditch the foot valve of my pump could not be made to work efficiently and it was necessary to construct a pumph well in which to work the valve. This was constructed by the Department of Public Works in 1927 and no previous objection hasbeen taken to this structure. It is not on

the roadside but in the tank bed and is an absolute necessity for pumping from the Ditch.

The area on which it stands is marked as the property of the Local Government by the recent Special Lands Survey.

As the well was not constructed by me but by the Public Works Department the sanctioning of the erection should have been obtained by the Executive Engineer.

The Barbed Wire fence referred to by you was erected by me under the orders of the Officer Commanding, Bellary, in 1922 by recommendation of the Senior Medical Officer in order to keep people from contaminating the water with Guinea worm etc. Its removal would be a retregrade measure and I hereby formally protest against its removal.

The matter is not urgent as there is no water in the reservoir.

Sd/- ~~Illegible~~, S. A. Greenwood.
Superintendent.

III

Copy of letter Ref. C. No. 6199/29 dated 9th November 1929 from the Collector ofBellary to the Military Estates Officer, Bellary.

Allipuram Jail-water supply-Fort Ditch-Rightof pumping.

Reference your No. 12 M.G.A. dated 28--8--29.

I invite your attention to the reference noted above addressed to the Superintendent, Allipuram Jail, Bellary on the subject noted above and his reply thereto. The Jail authorities assert that the right to use the fort ditch water and the necessary plant were purchased by them from the Military in 1922 for Rs. 25,000/-. The Government order sanctioning the purchase does not state the terms of the sale of the water supply plant in question. I therefore request that you

(3) 24

will be so good as to let me know the terms of the sale of plant. The reference may be treated as urgent.

(By order)

Sd/- Illegible,
Huzur Sheristadar.

No. 812/12/M.E.B.
Belgaum, 29th November 1929.

Forwarded with compliments to the Garrison Engineer, Bangalore. The Collector may be supplied with the required information if you have it on your records.

Sd/- ~~Illegible~~ Hartford-Force,
Captain,
Military Estates Officer, Belgaum.

IV

Copy of letter No. 4113/7/E-4 dated 9th December 1929 from the Garrison Engineer, Bangalore to the Collector, Bellary.

Alipuram Jail--Water supply--Fort Ditch Right of pumping.

Reference:- Your No.C.6199/29-~~8~~-4, dated 9th November 1929 to the Military Estates Officer, Bellary copy forwarded to me under his number 812/12/M.E.B. dated 29th. November 1929.

Sir,

I have the honour to inform you that I cannot trace any terms of the sale of the Plant in my records.

I may, however, point out that the Military Works Department have not handed over the Fort Ditch to the Alipuram Jail with the sale of plant, vide--Assistant Commanding Royal Engineer's Bangalore number 7509 dated 13--12--1923 to your address.

Sd/- G. Cam,
Major.R.E.(I.A.),
Garrison Engineer, Bangalore.

Copy to:
The Military Estates Officer, Bellary, with reference to his No. 812/12 M.E.B. dated 29--11--1929.

Sd/- G. Cam, Major.R.E.(I.A.)
Garrison Engineer, Bangalore.

(True copy)

Captain,
Military Estates Officer,
Madras Circle.

~~29~~ 25

DEPARTMENT.

Lgnl 4274 C
9-6-30

Received ..... 19 . *Registered* 19

Subject.

Alipuram Jail, Bellary - Water supply.

ENCLOSURES.
No. .....
.....
Spare copies .....

No. G/. 611.

Station Ootacamund., *Dated the* 6th June 1930.

From (Name) Lieut-Col.G.W.Maconachie,M.B.,I.M.S.,
(Designation) Ag.Inspector-General of Prisons.

To The Secretary to the Government of Madras,
Law (General). Department.

Sir,

H 12-13 N.F

In continuation of this office No.G. 541,dated the 27th May 1930, I have the honour to forward, herewith, a sketch of the Fort Ditch and to state that an acre of land surrounding the pumping station is absolutely necessary and should be acquired in favour of the jail department.

I have the honour to be,

Sir,

Your most obedient servant,

G Maconachie
Lieut-Col.I.M.S.,
Ag.Inspector-General of Prisons.

V.S.S.6/6.

~~Law (General)~~ Revenue Department.

Letter No. 3823 A/30-2 dl 1-11-30

To

The Secretary to the Govt. of India, Army Department. (J)

(with a sketch showing the Bellary Fort - moat reservoir and a copy of M.E. O's letter).- 4 CF.

Sir,

~~Transfer~~ Land - Military - Bellary Fort Ditch - Local Fund ~~Alienation of the~~ Land occupied by the Madras Jail Department.

.....

I am directed to address the Govt. of India on the subject of the ~~alienation in favour of the Madras Jail Department~~ transfer to the Local Fund of about one acre of land in the Fort Ditch at Bellary, where a water-supply plant has been put up.

2. In 1917, the Military ~~Department~~ authorities erected a water-supply plant to pump water from the ditch. In 1922 the plant was purchased by this Govt. from the Military authorities for supplying water to the Camp (now Alipuram) Jail, Bellary at a cost of Rs.25,000/. No specific settlement was, however, made at that time as to the right of the Jail Deptt. to use that portion of the Fort Ditch ~~that~~ which was absolutely necessary for the ~~purpose~~ purpose of drawing water from the ditch. ~~As usual,~~ It was thought that the purchase of the plant carried with it ~~conceded~~ the right to pump water from the ditch.

Owing to the silting of the Fort

itch, the foot valve of the pump could not be made to work efficiently and it was found necessary, on the advice of the Sanitary Engineer to Govt., to construct a masonry ~~[illegible]~~ well in which to work the valve. The construction of the well, together with a valve regulator, was carried out by the P.W.D. in 1927. This well, which is situated in the tank bed, is ~~an absolute necessity for pumping water from the ditch.~~

3 In his letter No.12 M.E.A. dated the 28th August 1929, the Military Estates Officer, Bellary, ~~requested~~ the Superintendent of the Alipuram Jail for a copy of the order sanctioning the occupation of the land by the Jail Department and ~~hold out a threat~~ that if no such sanction existed, the Superintendent would ~~be asked~~ to remove the ~~building~~. In December 1929, the Garrison Engineer, M.E.S., Bangalore, informed the Collector of Bellary that the Military Works Department did not hand over the Fort Ditch to the Alipuram ~~H~~ Jail with the sale of the plant. Meanwhile the President of the Cantonment Board, Bellary, informed the Superintendent that permission must be obtained from the Cantonment authority to draw ~~draw~~ water from the Fort Ditch. ~~The Collector of Bellary, however, reported that the Fort Ditch belonged to the Military Engineering Department~~

4 The Alipuram Jail, Bellary is a special jail for the segregation of Mappilla rebellion prisoners. There are at present about 1500 Mappilla prisoners confined in this Jail. To relieve overcrowding in the jails of this Presidency about 1,200 non-mappilla

3

prisoners convicted of offences connected with the present Civil Disobedience Movement have also been transferred to this jail. Normally, this jail is supplied with water from the Alipuram tank, ~~But this~~ but the supply is not sufficient ~~as the supply~~ from this tank does not permit of full use being made ~~for~~ of the jail garden for ~~gardening~~ growing vegetables for the jail ~~consumption~~. The need for a supply of water from the Fort Ditch ~~has~~ is also keenly felt in times of scarcity and when the Alipuram tank ~~gets~~ runs dry as ~~it~~ sometimes happens. The Fort Ditch water has been regularly used every year since the inception of the jail, in 1924, ~~till~~ until 1929, when the use of the plant was discontinued on the objection raised by the Cantonment authorities.

5. The Fort Ditch (S.No.545/2) measures 16.52 acres. The land occupied by the Jail department in the Fort Ditch area measures 13' x 22' or 286 sq. feet, and this portion is shown in the enclosed plan ~~by~~ in pencil round a small circle marked 'well'. It consists of the pumping sump well with its foundations. To enable the Jail department to pump water from the ~~Fort~~ ~~reservoir~~ without dispute, the I.G. of Prisons has suggested that ~~two acres~~ about one acre in the ~~tank bed~~ area in which the sump is ~~put up (marked in pencil in the plan)~~ should be transferred to ~~alienated in favour of~~ the Jail department. ~~This~~ The portion required is a strip of land along side the bund, 120 yards long and 40 yards wide. ~~As the Govt of India are aware, the Military having evacuated Bellary,~~ the Fort Ditch is not actually being used by the Military authorities for the effective discharge of their

duties and the cantonment of Bellary has also been abolished. There are no ~~Govt. or Military~~ buildings in the area proposed to be ~~acquired for the~~ Jail department. ~~The Fort Ditch was classed as Military when the Military authorities were using it.~~ The Collector of Bellary has reported that this ditch was not acquired at the cost of the Govt. of India and that the cost of improvements (apart from the building on it) is nil. In these circumstances, I am directed to request that the Govt. of India may be obtained for the alienation in favour of the Madras jail department of the area measuring about one acre referred to above, and communicated to this Government.

31 - Rev & A 5.1.31

Cantonments/Lands.

No. 1490-L(A.D.4.)

Government of India.

A R M Y D E P A R T M E N T.

New Delhi, the 19th December 1930.

The Secretary to the Government of Madras,
Revenue Department.

Transfer - Land - Military - Bellary - Fort Ditch - Local Government - Land occupied by the Madras Jail Department.

Sir,

With reference to your letter No. 3623 A/30-2, dated the 1st November 1930, the Government of India sanction the transfer of the area of about one acre of land, in the Fort Ditch at Bellary in which the Sump is situated, to the Government of Madras, without payment.

Rp 27-30 amk

I am, Sir,
Your most obedient servant,

Colonel,
Director, Military Lands & Cantonments.

No. 1490-L/1(A.D.4.)

Copy of the above, together with a copy of the letter to which it is a reply, forwarded to:-

The General Officer Commanding-in-Chief, Southern Command.

The Inspecting Officer, Military Lands and Cantonments, Southern Command, for necessary action under the Complementary Land Rules.

33
11

Law (GL) Dept.

P1 C.F [C.No 6716C] From the D.G. of Prisons No C.G. 1519 D 8.10.24.

P16 C.F End: to the Collr of Bellary. No 6716C-1 D 22.10.24.

P17 C.F [C.No 8404C] From the Collr of Bellary. D.O. No 6199/29.B D 14.12.24.

Subject:- Jails - Alipuram - water supply - Fort Ditch - Right of pumping.

A.S.:

The Controversy between the Cantonment authorities, Bellary, and the Jail authorities, as regards the right of pumping water from the Bellary Fort Ditch by the latter has been summarised in paras 2 and 3 of the Collector's letter on pages 17-18 C.F.

2. In June 1924, the Collector of Bellary stated as follows:-

"The water supply (from Fort Ditch) does not "belong to the Cantonment Committee at all.-

The Cantonment Committee has not "and never has had Control of the Supply"

The above report of the Collector was placed on the table of the House while answering a Legco Council Question on the subject of the use of the Fort Ditch water.

Subsequently in Sept: 1924, in connection with another Legco Council question, the Collr

in 2 a min Collr's letter, ie Pl 2-3 of 10.31 PH (B) 14.7.24

pillar (B)

of Bellary reported as follows.-

"I do not consider myself justified in interfering with the discretion of the Supt of the Alipuram Jail, who controls the supply from the ditch".

From the present report of the Collector, it will be observed that while the Jail Dept purchased from the Military Dept in 1922 the right to use the Fort Ditch water together with the pumping plant &c, the Fort Ditch itself still vests in the Military Engineering works Dept. At any rate, the Cantonment authorities have no exclusive right over the Fort Ditch.

3 The Bellary Cantonment of Bellary is going to be abolished from 1st April 30. * is abolished

At the instance of the Govt of India, ~~in connection with the abolition of Bellary Cantonment~~ (On the approval of India ~~was~~ forwarded a draft-article ~~prepared~~ (This Govt ~~the~~ the abolition, the Govt and the sanction of the Govr-Genl in Council to the withdrawal of the Cantonments Act, 1924, from the Bellary Cantonment with effect from the 1st April 1930 has also been received. (dealt with in BE

~~It is understood that~~ the Controversy started by the Cantonment authorities will therefore automatically come to a close on 1.4.1930. This may therefore lie over till formal orders are issued withdrawing the

35
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Cantonments Act 1924. Sum for Bellary Cantonment.

Thro B
16.1.30

PVJ Sec
15.7.30 16/30

On the dissolution of the cantonment who will step into its shoes & on whom will devolve the property which are now vested in the Cantt.? Will they continue the controversy?

CR
6/1

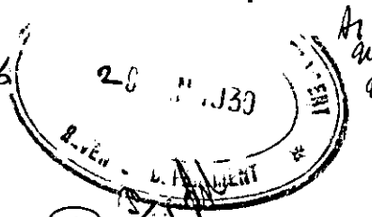
A.S.

With refce to the A.S's queries above, he submitted :-

It has been decided in [redacted] that lands belonging to the Municipality of Bellary are exempted from the operation of the Land Acquisition Act. The Municipality of Bellary [redacted] the Collector of [redacted] that this [redacted] Ditch is [redacted] that : the Military Engineering Dept. [redacted] disposed [redacted] is however understood from Revenue Dept that the Fort Ditch (S.No. 522/1) [redacted] village site" and that the Govt of India have recently decided that lands classed

as 'cantonment village site' vest in the Local Govt.
The municipality of Bellary will be concerned
with only matters municipal, and will
not continue the controversy. The case
may go to Revenue for remarks on the
question of the present and ultimate ownership
of this fort ditch.

KW 362A
29 1 30



Dy Secy
5.7.30 25/7/30

25/1

Dy Secy 29/7/30

Dy Secy B

Audit : 67 1 C.2
24 1.3.

27-1

Rev. Dept.

To Secy.

Please see the note of the Law (Genl) Dept. above. In Janry. 1924 the Collr. of Bellary reported that the fort ditch in the Bellary cantonment was maintained by the military authorities. The plant to pump out water from it and filter beds were erected by them in 1917. The plant was purchased by the Jail Dept in 1922 and from the correspondence relating to it, it will be seen that there was no mention about the transfer of the ditch itself. In connection with the proposal of the Govt. of India to dispose of the military lands and buildings in this cantonment, the G.O.C.-in-Chief, Southern Command has included the fort ditch in the list of A.V. lands i.e.

vide para 3 of G.O. 2455 P/H (C) 15.2.24

para 2 of G.O. 389 W (S) 15.22.

vide G.O. 1st.

31

vide 7 of the Cantonments Rules as to 80 of the B.S. Rules Book no 2 in Legislative Dept.

land which is actually used or occupied by any Dept. of the Army and the Collector Bellary has reported in para 6 of his letter at p. 19 ante that it must be presumed that it still vests in the Military Engineering Works Dept. till this is disposed of by them. This is the position as regards the ownership of the ditch. The file may be returned to the Law (Genl) Dept.

SECRETARIAT SECTION 5 FEB 1930 LAW DEPT

DRJ 3.2.30

Mtty 3.2.30

HMS 4.2.30

Law

Rev. 40362 C/31 5.2.30

Law (Genl) Dept.

A.S.

Please see the Revenue Dept note above. It will be seen that the Bellary Nala Ditch belongs neither to the Jail Dept nor to the Cantonment. Orders have been issued in Go no 481 Genl dt 5.2.30 that the Cantonment of Bellary shall cease to be a Cantonment on and with effect from the 1st day of April 1930. The papers may therefore be recorded. Dospt submd.

V. 1036C 5/2/30

(1) - Since altered into 1

AR Ford 7.2.30. 7.2.30.

AR 7/2

S A.S

This does not solve the question raised in para 6 of D.G. Please speak. Jee 10/2/30

[Cno.1425C] From the Military Estates Officer, Bombay

Circle No 9139/ T3/4 B dt 13.2.30.

A.S.

Please refer to your communication in connection as to the ownership of the Alipuram Fort Ditch received from the Military Estates Officer Madras Circle.

The Military Works Dept have not handed over the Fort Ditch to the Alipuram Jail with the sale of plant. The Fort Ditch is classified as A-1 land i.e. land which is actually used or occupied by any department of the Army. Unless therefore the Fort Ditch is alienated in favour of the Jail Dept, the difficulty now brought to notice is likely to repeat itself. It seems desirable therefore to address the Military authorities to enable the Jail Dept to occupy the land (Fort Ditch) either permanently or temporarily. As the Alipuram Jail is likely to be closed at no distant date, permission to occupy the land temporarily will be sufficient. The Dy has suggested that the G.O.C may be requested to permit the present arrangement to continue. Under the present arrangement, a pump well in which to work the valve and a shed have been constructed in the Fort Ditch by the road side, and this is objected to by the Military Dept. The plant was purchased

from the Military dept in 1922. ~~water shortage in Bellary~~ There has been a considerable fall in the prison population at the Alipuram Jail. Before the Military authorities are addressed the Dy may be asked to furnish information on the following points:-

(1) the present strength of the Alipuram Jail

& (2) how the present need of the Alipuram Jail with regard to water supply is met

He may also be requested to forward a sketch of the Jail Ditch showing also the portion ~~which~~ now occupied by the Jail Dept and also giving the extent of the occupied portion. The sketch will have to be sent to the Military authorities when they are addressed.

A draft memo to the Dy and a draft acknowledgment to the M.E.O with reference to his letter on F21CF are submitted for approval.

Revenue may see before issue.

25-3-30.
SMD
2.3.30.

9/3

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The Jail dept purchased the plant at a cost of Rs 25,000. Solely for the purpose of drawing & using the water power to run ~~the~~ district Jail. Does not this purchase carry with it the right to use the occupy lands absolutely necessary for the purpose. This question should also be examined. Otherwise the money spent by the Jail dept in the purchase of the plant would be a mere waste. How long has the Jail dept been using the plant for this purpose & has any objection been raised to their

for 7.3.30

9/7 41

(Secretary's note on page 8 ante)

A.S

(S) In G.O.No. 389 W dated 1-5-1922, the Government accepted the I.G's proposal to purchase the water supply plant required for the Camp (now Alipuram) Jail Bellary, from the Military authorities at a cost of Rs. 25,000/-. Neither this G.O. nor the correspondence leading thereto says anything specifically about the right of the Jail department to use the portion of the Fort Ditch that was absolutely necessary for the purpose of drawing the water from the Ditch. From paragraph 2 of the I.G's letter ~~G.C.No. 1519~~ No 9.17 dated ~~8-10-21~~ 3.3.1922 and the Superintendent's letter forming annexure thereto, it appears that the sum of Rs. 25,000/- represent the cost of water supply plant. The Garrison Engineer has stated that "the Military Works Department have no handed over the Fort ditch to the Alipuram Jail with the sale of plant".

plan (S)
para (C)

2. Prior to 1924, the Alipuram Jail was receiving its water supply from the Fort Ditch, Bellary, which was "fed by a long tortuous earthen channel taking off from a sluice in the Alipuram tank". In 1924, a scheme of water supply estimated to cost Rs. 1,21,000. was sanctioned for the Alipuram Jail. This scheme provided for carrying water from the Alipuram tank direct to the Alipuram Jail instead of from the Fort Ditch. The scheme also included among other things the construction of a masonry reservoir between the filter beds and the engine house, as suggested by the Sanitary Engineer to Government. It appears that this masonry reservoir was constructed on the Alipuram tank and not on the Fort Ditch, i.e., to say it does not appear to be the building -- objected to by the Military Department. The I.G may be asked to say if this presumption is correct. Under the scheme referred to above, there would not be any need for the use of the water supply plant at Fort Ditch. The I.G may be asked to say when the scheme came into

42

effect.

3. In 1927, the Alipuram Tank, the usual source of supply to the jail, dried up and the jail had to get its supply of water from the Municipality. The I.G has reported in another connection that the three years 1927-29 were exceptionally dry years culminating in 1929 in a water famine, when every tank and well in Bellary was dry, that it would have been necessary to evacuate Alipuram Jail had it not been for the Hagari Water supply, and that the position was relieved by heavy rains in September and October 1929 which refilled all the tanks and wells and brought about normal conditions.

para 2 of the D.G's note on p 13 ante 378. 4 (y)

M

It appears from the above that the Jail Department did not regularly use the plant for the purpose of pumping water from the Fort Ditch and the I.G may be asked to state the periods during which the plant was used and whether any objection was then taken to the occupation by the Jail Dept of the land in the Fort Ditch previous to August 1929.

N

4. In his letter dated 28-8-1929 the Military Estates Officer has stated as follows:-

"It is noticed that you have erected a building "(valve regulated shed) in the Fort Ditch by the road- "side. Will you please furnish me immediately with a "copy of the order sanctioning the occupation of the "land by the Jail Department ...?".

p 22 cf

The reply given by the Jail Superintendent is as under.-

"The whole plant and tank at the Fort Ditch were "purchased by the Madras Government in 1922 for Rs.25,000 "-also the ground on which they stand. Owing to the "silting up of the Fort Ditch, the foot valve of my "pump could not be made to work efficiently and it was "necessary to construct a pump well in which to work "the valve. This was constructed by the Department of "Public Works in 1927 and no previous objection has been "taken to this structure. It is not on the roadside but "in the Tank bed and is an absolute necessity for pumping "from the Ditch .... As the well was not constructed "by me but by the P.W.D the sanctioning of the erection "should have been obtained by the Executive Engineer"

p 22-23 cf

In view of the I.G's previous statement at "M" above, ~~on page ante~~, the I.G may be asked [illegible] other water

water was taken from the Fort Ditch in 1927 and to ascertain and report under what circumstances and authority the Executive Engineer constructed the well. He may also be asked to state the strength of the Alipuram Jail at the present day, how the needs of the Alipuram Jail with regard to water supply are met at present and whether the plant purchased for Rs.25,000 in 1922 is now being used.

The Fort Ditch is classified as A - 1 land,i.e., land which is actually used or occupied by any department of the Army. The Alipuram Jail itself is likely to be closed at no distant date. If the plant is still used, the Military authorities may have to be addressed for alienating in favour of the Jail Department the land now occupied by the latter and objected to by the Military Department; in that case, the I.G may be asked to forward a sketch of the Fort Ditch showing the portion therein which should be acquired for the Jail department and its extent.

5. With reference to the letter from the Military Estates Officer on pages 21-25 c.f it is submitted that an intermediate reply may be sent to him that the matter is still under consideration. A draft letter is submitted for approval.

6. A copy of paragraphs 1 to 4 of the above notes may be sent to the I.G u.o for any further remarks that he may like to offer and for furnishing the information required in paragraphs 2 to 4 above.

45 47 CR 4076C
28-5-30

Office of the Inspector-General of Prisons,

Ootacamund, dated the 26th May 1930.

Ref:- Law (General) U.O.Note No.6716-C/29-3, dated the 25th March 1930.

A copy of letter No.G. 952, dated the 23rd April 1930 from the Superintendent, Alipuram Jail, Bellary which furnishes information on the points raised in U.O. reference is herewith furnished.

2. The masonry reservoir, referred to in para 2 of the U.O. note is on the Alipuram Tank supply between tank and pump. The suction well which is on the edge of the fort ditch is the one objected to by the military department. The scheme for improving the water supply at the Alipuram Jail came into effect in 1924.

3. The fort ditch has been regularly used every year since the inception of the Jail and no objection has previously been raised by the military department.

4. The work in question, viz., the construction of a well was recommended by the Sanitary Engineer to Government and the Public Works Department did not apply for necessary permission, presumably through ignorance of cantonment rules.

5. The present population of the jail is 1,492. The jail is at present getting its supply of water from the Alipuram Tank. The plant purchased in 1922 is not being used as the cantonment authorities have forbidden the use of it.

6. It is considered highly necessary that the portion of the land in question should be acquired for the use of the jail department.

A sketch of the land showing the portion absolutely

46 43

required for the jail has been called for and will follow.

Lieut-Col.I.M.S.,
Ag.Inspector-General of Prisons.

No.G. 541.

To The Secretary to Government,

Law (General) Department,

Fort St.George, Madras.

V.S.S.26/5.

Letter No.G.952, dated the 23rd April 1930 from the Superintendent, Alipuram Jail, Bellary.

The building objected to by the military is not in any way connected with the water works at the Alipuram Tank.

The supply from the Alipuram Tank has in the past been found insufficient for the jail and this supply has been supplemented since 1924 (the date of the completion of the works at Alipuram) by the old supply from the Fort Ditch The Fort Ditch, in addition to being fillable from the Alipuram Tank has its own supply area and fills earlier than the Alipuram Tank. The water is of indifferent quality but with careful treatment can be made palatable.

The Fort Ditch has been regularly used every year since the jail has been established in Bellary and no objection has previously been raised.

Certain trouble has always been experienced with the foot valve of the pump owing to the silt in the reservoir covering it and I recommended years ago that we construct a well to enclose this valve. During my absence on leave in 1928, a well with 3 sluice valves to admit surface water was constructed by the Public Works Department to overcome this difficulty.

During the occupation of the Cantonment by military there was no objection raised to this jail using the Fort Ditch, but the military left the station in July 1929 the Cantonment Board was left without an official majority and it is this board which as far as I know consists of two European military pensioners and one non-official Indian who object to our using the water. They have no means of using this water and it just lies stagnant if this jail does not use it.

I would recommend that Government acquire the land of the Fort Ditch as whoever occupies the Alipuram Central Jail buildings and area will eventually require this water.

68 45

I have written to the military estates officer at Wellington for the correct description, size and sketch of the Fort Ditch from his land register and map and when this information is received I will forward it on at once so that the necessary steps for acquisition may be taken.

-True copy-

For Inspector-General of Prisons

V.S.S.26/5

15 49

Law (gl) Dept.

A.S.

Attention is invited to my note to the Dy on pages 9-11 ante and his reply thereto on pages 12-13 ante. The Dy says that it is highly necessary that the portion of the land objected to by the Military Dept should be acquired for the Jail Dept. Submd that this may be done. Please see in this connection the office note at A on p 11 ante. The Dy was asked to submit a sketch of the fore ditch showing the portion therein which should be acquired for the Jail Dept and its extent. He has now stated that a sketch has been called for and will be submd soon. Submd the receipt of the sketch may be awaited. The Dy may be reminded after a fortnight if the sketch is not received by that date.

PVJ SLO
30.5.30 30.5.30

31/5

25
2 CF [C no 4274C] from the Dy. of Prisons. no 611 dd 6.6.30
" 4310C] " " Military Estates Officer
no 405/3/7 dd 9.6.30.

p 15 in Rem v file below

A.S.

In the U.O. note dated 23.5.30, it was suggested that the Military authorities might be addressed for alienating in favour of the

Jail Dept the land in the Fort Ditch
now occupied by the latter and objected to
by the Military Dept; and the Dy was
asked to forward a sketch of the Fort
Ditch shading the portion thereof which A ante p 11 ante
should be acquired for the Jail Dept and
its extent. In para 6 of his no dy
dt 26th May 1930, the Dy stated that ff 12-13 ante
"a sketch of the land shading the portion
"absolutely required for the jail has been
"called for and will follow". With his
letter no dy. 611 dt 6.6.30, the Dy has forwarded
a sketch of the Fort Ditch only and stated
that "an acre of land surrounding the
"pumping station is absolutely necessary
"and should be acquired in favour of the
"Jail Dept". It is submitted that the sketch
submitted by the Dy is not what is required
what is wanted is a sketch shading that
portion of the land in the Fort Ditch which
is occupied by the Jail Dept and should
be acquired for that Dept. The Surveyor
in the Army Dept have d/e add
c D in addition to the sketch of the
Fort Ditch already submitted by the Dy,
another sketch showing the exact posn
measurements and area of the land
now occupied by the Jail Dept and objected to

by the Mily Dept should also be sent to the Govt of India. The DC has not explained how an acre of land surrounding the pumping station is absolutely necessary for locating the area (1 acre) and nor has he sent a sketch giving its linear measurements.

2. It is submitted that the need for the alienation of one acre of land is not apparent and it is doubtful if the Govt will agree to the alienation of such a large extent in the absence of full justification, and a sketch showing the linear measurements of the area to be acquired. The G. I will have to be paid compensation for the land to be alienated. It seems enough if the Govt of India are addressed for the alienation of the land in the Fort Ditch now occupied by the Mily Dept. The DC may therefore be asked to submit an accurate sketch thereof, giving also its actual measurements and area. If, however, the DC thinks that one acre should be acquired, he may be asked to explain why such a large area is necessary and to send an alternative sketch showing the measurement proposed to be acquired, area to be of the one acre land giving the numbers of the adjacent fields.

3. The Mily Estates Officer was informed on 16.5.30 that the matter

5

Correspondence with the D/F and 3/20b
that it might take some time for a
decision to be arrived at. Yet he has p 15 of rem file letter
sent a reminder within 3 weeks. Subject
that he may be informed that the matter
is still under correspondence with the Jail
authorities and that it is proposed to address
the Govt of India, Army Dept, on the subject.
A draft letter to the Mily Estate Officer is
submitted for approval.

4. A copy of paras 1-2 of
the above note may go to the D/F of Orissa.
He may be asked to send his reply with
the two sketches as early as practicable
In this connection, the D/F may also be told
that whenever a no reference
is made to the Govt, his reply
thereto should be in the form of a no note.
As it is, sometimes he sends official replies
letter form when no notes are sent

5. After issue of the letter to the
Mily Estate Officer and the no note to the
D/F, the file may be sent to Revenue
Dept for remarks as to what compensation
payable to the Mily
in lieu for the land to be alienated

ASSISTANT SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT
27 JUN 1916

53

Rev. Depts.

To Govt. Secy.

The Law (Genl.) Deptt. wish to know what compensation will be payable to the Govt of India, Army Deptt., for the transfer of the portion of the Fort ditch in Bellary applied by the Jail Deptt. The Collr. of Bellary has reported that the Fort ditch was in the occupation of the Cantonment Authority, Bellary on 1.4.21. The Military authorities have classified it as A-1 land i.e. land which is actually used or occupied by any Deptt. of the Army. The claim of the Army Deptt to it may be accepted.

2. From 1.7.30 the Cantonments Act has been withdrawn from the Bellary cantonment and the troops also have been withdrawn from that station. The Fort ditch is not therefore ~~in the effective occupation~~ actually being used by the Military authorities for the effective discharge of their duties & the case therefore falls under rule 5 I B of the Land transfer rules. The compensation payable to the Govt of India under this rules is the market value of building if any at the date of acquisition and improvements on the market value of the land whichever is less. The Collr. has reported that it was not acquired at the cost of the Govt of India and

apart from the buildings on it
and that the cost of improvements to it is nil.
No compensation is therefore payable to
the ~~party~~ land in the ~~portion~~ part of the Park detached
~~this part~~ the file may be returned to the Land
(Genl) Dept.

If there are buildings, their market value is payable to the Govt

SRD.
3.7.30

Ag
4.7.30

S

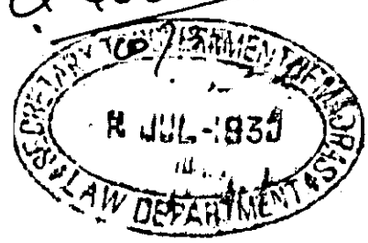
Govt
7/7

6716

Revenue 2150 A/80-1 7
8.7.80

Land

Cl 4883C



Law (gl) Dept

AS Dept

The Dy has not yet sent his reply to the memo: reference dt 30.6.80. The Q can be addressed only after the Dy's reply is received. A Dept Lr reminder to the Dy asking him to expedite his reply, and also enquiring whether there any buildings belonging to the Military Dept in the area proposed to be alienated is called for.

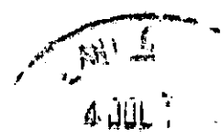
Dealt 12.7.80

Ag

PVJ
10.7.80.

HB
10.7.80.

Ag 4310C.4
12.7.80.



22 55

Law (GL) Dept.

Endt note no dt.

Subject :- Bellary Fort Ditch - Right of pumping by the Jail Dept. Proposed alienation.

—.

The Inspr of Prisons may be requested to expedite his reply to this Dept vide reference no 4310 C-2 dt 20.6.30. He may also be requested to say whether there are any buildings belonging to the Military Dept in the area proposed to be alienated in favour of the Jail Dept.

Vide fn: 19 ante.

AR
11/7

Dy Secy
10.7.30.

HB
10.7.30

24301C.4
12.7.30.

P.T.O.

57 24 2458740
2585

Office of the Inspector-General of Prisons,

Camp Madras, Dated the 22nd August 1930.

Reply to Government U.O.Note No.4310 C-2, L.G.Dated 20-6-30.

The land occupied by the Jail Department in the Fort Ditch area measures 13' x 22' or 286 square feet. The position of this is marked "well" in the attached plan and it consists of a sump well with its foundations etc. The area measuring one acre, surrounding the pumping sump in the tank bed, is marked in pencil in the plan, and is proposed for acquisition. This is a strip of land along side the bund 120 yards long and 40 yards wide. If this site is acquired, the rights of the Jail Department to pump water from the reservoir, will not then presumably be disputed by the Cantonment or other authority owning the land, although the right to all the water in the ditch may not be recognised. As the military have evacuated Bellary, the acquisition of the piece of land in question will be simple and cheap. The necessity for its acquisition is fully explained in letter No. G/1891, dated the 11th August 1930, from the Superintendent, Alipuram Jail, Bellary (copy enclosed). As suggested by the Superintendent, it will be advantageous to the Jail if the whole reservoir area is acquired, as it is required in times of scarcity as a supplementary water supply and its possession will place whoever occupies the Jail site in a secure and unquestioned position as regards water, and it is also very necessary at the present time to provide water for gardening purposes and growing vegetables for the Jail consumption. The Alipuram supply does not permit of full use being made of the garden at present.

The sketch received with U.O. No. 5302 C-1, Law (General) dated the 2nd August 1930 is herewith returned.

No. C.G. 827.

C Chevasse
Lieut-Col, I.M.S.,
Ag. Inspector-General of Prisons.

The Secretary to Government,
Law (General) Dept.

Encl: as above

RDraft 28/8/30

25 59

Copy of letter No. G/1891, dated the 11th August 1930, from the Superintendent, Alipuram Jail, Bellary.

.....

Reference:- Your No. 11983, dated the 14th July 1930.

I have the honour to state that the land occupied in the Fort Ditch area measures 13' x 22' or 286 sq.ft. The position of this is marked on the attached plan by a small circle marked "well". This portion must be acquired as we have erected a building (pumping sump well) on it.

I originally suggested that Government acquire the whole of the Fort Ditch from the Military Department in order that our right to the water collected therein should be unquestioned and as the whole area belongs to the Military who have recently evacuated Bellary, this acquisition should be simple and very cheap. The survey No. is 545.2 in the Military lands register of the Bellary Cantonment and the area 16.52 acres. I still consider this necessary as whichever Department holds the barracks in which the Jail is at present situated and which belong to the Madras Government, they will require this water to supplement the main supply from the Alipuram Tank in times of scarcity.

If Government decide not to acquire the whole tank an alternative suggestion is to acquire a small area of, say, an acre, surrounding the pumping sump in the tank bed in order that we may establish our right to pump from the tank. The area is marked in pencil in the attached plan.

I strongly recommend the acquisition of the whole tank.

There are no Government or Military buildings in the area to be acquired other than that mentioned in para 1.

I enclose a surveyors plan with areas, survey numbers and boundaries accurately marked.

.....

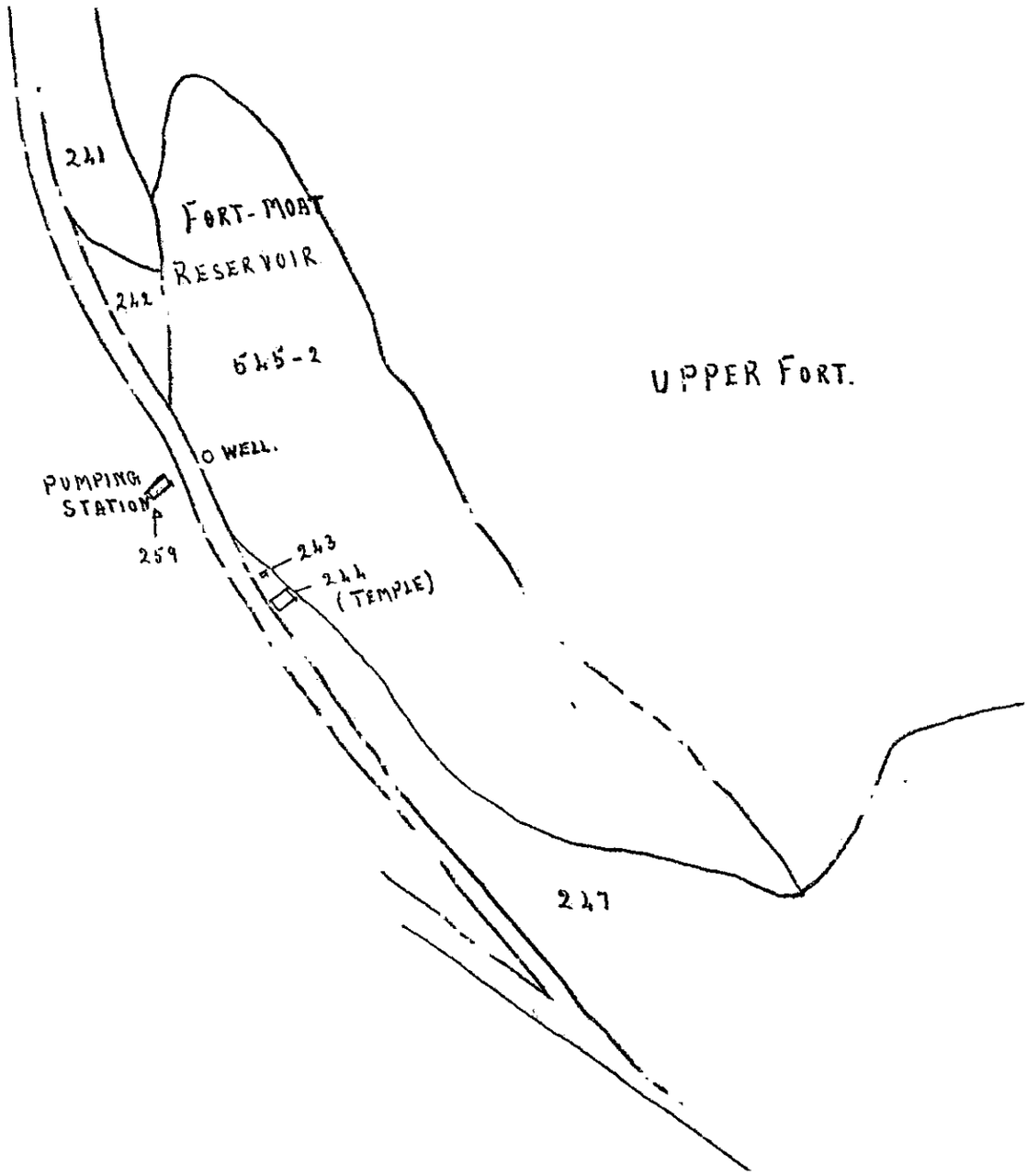
~~27~~ 61

Bellary Cantonment

Fort - Moat Reservoir

Scale 16" to a mile

Area 16 52. Acres.



E1

No. 63

Law (GL) Dept

A.S.

Reference is solicited to paras 1 and 2 of the note on pages 16-18 ante and the D.G.'s reply on pages 24-25 ante. The D.G. has not furnished the additional sketch called for at A on p 17 ante, and there seems to be no use of further corresponding with him on the subject which only means further delay. It is submitted that the Govt of India may now be addressed with the materials available.

2. The D.G. thinks that the alienation of the portion of land in the Fort Ditch now occupied by the Jail Dept will not be sufficient. The Supdt of the Jail has suggested the alienation of the whole area measuring 16.52 acres, and if this is not possible, he has suggested the acquisition of one acre of land surrounding the pumping station in the Fort Ditch. The D.G. has agreed with the Supdt. It is submitted that it would be enough if the area measuring one acre ~~surrounding the pumping station~~ (where the station is put up) in the land bed is alienated in favour of the Jail Dept.

Alienation restricted only requirements of the Jail Dept. We may consider the question of applying for more when experience has been gained & when the question of disposal of the rest comes up for consideration.

3. A draft letter to the Govt of India, I.S.E. and is submitted for approval. It may go via Revenue for acceptance & circulation.

CR 13/10 18/10 14/10

L.G. U.O. 1671 B/21-2 14-10-30

SECRETARY TO GOVERNMENT 30 OCT 1930

CR 13/10

L.S.S. Rev

L.G. 1340

~~30.64~~

4H

L.SG (PH) Deptt.

DS The facts of the case are set forth in the draft letter to the Govt. of I post-up below. The draft letter may be accepted and the file may be passed on to the Revenue Deptt. In this connection it may be mentioned that the Alipuram Jail is also getting water from the Bellary municipal Water Supply Scheme ~~A Proposal~~ Proposals for the extension of the main scheme to the Alipuram ~~Jail~~ now are ~~also under consideration~~

When there is no adequate

DSPH 16/10 supply in the Alipuram Tank and the Port ditch. A proposal for the extension of the main scheme to the Alipuram Jail is also now under consideration — p. 3 g note on the linked file.

para 2 - p. 83 g
G.O. 91 P.H (K)
16.1.30
in linked file

17/10

17/10

Rev.

L.SG IV
38633-IE1 PH
17-10-30

Rev. Deptt.

To A.S.

Previous notes of this deptt. at pgs 20-21 ante.

The ~~draft letter to the~~ Govt. of India may be ~~accepted~~ as issued in this deptt. and the ~~file referred~~ to Law (Genl) deptt. may be requested to transfer the file to this deptt. as the transfer of lands between the Central & Local Govts is a subject dealt in

ASSISTANT SECRETARY TO GOVT. OF MADRAS
REVENUE DEPARTMENT
Rev 3623-A
20 OCT. 1930

188
5.X.30.

in this deptt.

DRJ
25.10.30

25.10.30

S

Rev apl 3623 A/30-1
23.x.30.

Law (GL) Dept.

GOVERNMENT OF MADRAS
24 OCT 1930
LAW DEPARTMENT

A.S.

Genl: 7563C
25 X 30

Submd that the file may be transferred to the Revenue Dept. - vide their note on p 30 ante.

RJ
25.10.30.

25/10

25/10

Rev no

Genl 5316C/29-1
30

Rev. Dept.

ASSISTANT SECRETARY TO GOVERNMENT
27 OCT 1930
REVENUE DEPARTMENT

To A.S.

Rev 3696A
27.10.30

The draft letter to the Govt. of India has ~~slightly~~ been amended ~~& is now~~ slightly. It may be ~~circulated for approval~~ approved.

A1
27.10.30

28.x.30.

D.R.J
29.10.30

30.10.30

S

30/10/30

Cir: 30.10.30

C3 31.10.30

(Letter No 3623 A/30-2 dated 1-11-30)

From the Govt. of India, Army Dept. No 1490-L (A.D.4) dt 19.12.30.

pp 27-30 c.f

p 31 c.f

To A.S.

Please see the letter to the Govt. of India at pp 27-30 c.f. and their reply at p 31 c.f. The land may now be transferred to the Tail Dept. The Coll.r of Bellary may be asked to take charge of the land as also from the military authorities and hand it over to the Tail Dept. A draft order is submitted for approval. It may be sent to Law Dept. for acceptance.

7.1.31

7.1.31

8.1.31

Law

Rev o/o 3623 A/30-5
8-1-31

Law (Gl) dept

Genl: 193C
8.1.31

The draft order may be accepted in this dept and the case returned to Revenue

8.1.31

10.1.31

Law (Genl) 6716C/29-10
10.1.31

Rev. dept

The draft order may issue

12.1.31

15/1/31

C3

8 JAN 1931
GENERAL SECRETARIAT

ASSISTANT SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT
15 JAN 1931

A1
12-1-31

ent: 15-1-31.

/ 67

As slightly amended. I don't think we sh[d] use the same expression for the transfer of land from one Dept to another & for the placing of a certain portion of land in charge of a particular dept. We don't want to encourage the idea that a dept. "owns" land.

aell
18.1.31

lhd
1914

close
gm

11-5 (a)—50,006—5-11-29.

b? Rev DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

3b/201

READ AGAIN G.O. No. ....., dated 19

" " " ..... " 19

READ ALSO :—

C. No. 3623 A/30 From the Insp^r Genl of Prisons, No. C.G. 1519, dated 8-X-1929. p1-2 cf

p 17-19 cf " " Coll^r of Bellary D.Dis. No. 6199/29/B4. dated 14-12-29.

" " M.E.O. Madras Circle " 939/7/48 " 13-2-1930.

p 25 cf " " Insp^r Genl. of Prisons No. G/611 dated 6-6-1930.

p 31 cf " " Govt. of India, Army Dept " 1490-L(AD4) " 19-12-1930.

ORDER.

No. 126, dated 20.1.31 19.

MS.

p 31 cf

In their letter No. 1490-L (A.D. 4.) dated 19.12.30 the Govt. of India have sanctioned the transfer to this Govt. without payment of the area of about one acre of land in the fort ditch at Bellary in which the sump belonging to the Jail dept. is situated. The land will be placed in charge of ~~Govt. sanction the transfer of this land to~~ the Jail dept. The Coll^r of Bellary is requested to take charge of the land from the military authorities and hand it over to the Jail dept.

1,4
2,5

8.1.31

Coll^r of Bellary
Insp^r Genl. of Prisons thro' Law (Genl) dept.
Board of Rev. LR to S.
M.E.O., Madras circle.
Law (Genl) dept.

Govt. of India 7.1.31
S.R.J. 7.1.31